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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John C. Rueter Confirmation No. 4388
Serial No.: 10/761,473
Filed: January 21, 2004 Customer No.: 27581
Examiner: Brian T. Gedeon
Group Art Unit: 3766
Docket No.: P0011409.00
Title: DYNAMIC ADJUSTMENT OF CAPTURE MANAGEMENT "SAFETY MARGIN"

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on January 5, 2009.

By: 

Name: Patricia Cygan

INTERVIEW SUMMARY

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Examiner's Interview Summary dated December 23, 2008, which summarizes a telephonic interview initiated by Applicant's representative, Jessica H. Kwak, on December 18, 2008, during which Applicant's attorney of record, Jessica H. Kwak, and Examiner Gedeon discussed the present application. Applicant respectfully disagrees that Applicant's representative agreed that U.S. Patent No. 6,317,633 to Jorgenson et al. (hereinafter referred to as "Jorgenson") would be better applied as a reference under 35 U.S.C. § 103(a), as asserted by the Examiner in the Examiner's Interview Summary. Rather, the Examiner indicated that the Jorgenson reference may be applied as a reference under 35 U.S.C. § 103(a) in a future Office Action. Applicant's representative did not agree that such an application of Jorgenson was proper.

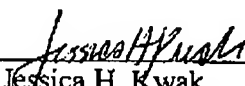
Application Number 10/761,473

No exhibits were introduced during the interview, and no agreement was reached with respect to the claims. Applicant thanks Examiner Gedcon for taking the time to discuss the present application with Applicant's representative.

Date: January 5, 2009

By:

SHUMAKER & SIEFFERT, P.A.
1625 Radio Drive, Suite 300
Woodbury, Minnesota 55125
Telephone: 651.286.8346
Facsimile: 651.735.1102


Name: Jessica H. Kwak
Reg. No.: 58,975